

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AMEL DALLUGE,

Petitioner,

vs.

MAGGIE MILLER-STOUT,

Respondent.

NO. CV-08-0171-CI

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Magistrate Judge Imbrogno filed a Report and Recommendation on March 19, 2009, recommending Respondent's Motion to Dismiss be granted and Petitioner's application for habeas relief be dismissed without prejudice. (Ct. Rec. 22.) Petitioner filed a timely objection on March 30, 2009. (Ct. Rec. 24.) Although Petitioner objected to the Respondent's suggestion that he might be able to exhaust his claims in state court, he did not present any objections to the Magistrate Judge's findings. After review, the Court **ADOPTS** the Report and Recommendation's analysis and conclusions and declines to make findings regarding state procedural bar issues.

Accordingly, **IT IS HEREBY ORDERED:**

1. Respondent's Motion to Dismiss (Ct. Rec. 21) is **GRANTED**.
2. The Petition for Writ of Habeas Corpus (Ct. Recs. 1, 5) is **DISMISSED WITHOUT PREJUDICE**.

S/ Edward F. Shea
EDWARD F. SHEA
United States District Judge